

Judging the Climate: Comparative Human Rights Approaches to Climate Litigation in Global Courts

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ABSTRACT: Climate change increasingly threatens fundamental human rights, prompting courts worldwide to intervene where legislative and executive actions fall short. This article examines how climate litigation enforces human rights obligations through judicial mechanisms, focusing on landmark rulings in Switzerland, India, and the United States. Using a mixed-methods approach that combines comparative doctrinal analysis and an empirical panel dataset (2015–2025), the study tracks litigation frequency, rights-based victories, and climate law intensity across jurisdictions. Findings show that courts are progressively recognizing climate-related rights and issuing binding decisions mandating state action. In *KlimaSeniorinnen v. Switzerland*, the ECtHR found that weak climate policy violated the right to private life; India's Supreme Court affirmed environmental protection as a constitutional right in *Ranjitsinh*; and the Montana Supreme Court upheld youth rights in *Held v. Montana*. The data indicate a positive correlation between strong legal frameworks and successful litigation, leading to policy reforms and cross-border influence in legal reasoning. Despite significant progress, enforcement remains constrained by political resistance and limited administrative capacity. Civil society continues to play a vital role in promoting accountability and bridging implementation gaps. Overall, rights-based climate litigation is transforming climate governance by embedding human rights principles within environmental adjudication, signaling an emerging global legal consciousness that strengthens both environmental protection and justice.

Keywords: Climate Litigation, Human Rights, Constitutional Law, Judicial Enforcement, Environmental Governance, Transnational Law, Compliance.



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INTRODUCTION

Climate change has emerged as one of the most significant global challenges of the 21st century, threatening fundamental human rights such as the rights to life, health, food, water, housing, and a safe environment. As global temperatures rise and extreme weather events become more frequent and severe, the adverse effects of climate change increasingly threaten core human rights namely the rights to life, health, food, water, housing, and a safe environment. The international

legal community, along with scholars and advocacy groups, has turned greater attention to this intersection of climate and human rights, framing environmental degradation as a direct violation of individual and collective rights (Bogojević, 2020).

This framing is both strategic and urgent. It recognizes that the impacts of climate change disproportionately burden marginalized communities, indigenous populations, and future generations groups whose rights are often overlooked in traditional policy-making processes. Accordingly, legal arguments have expanded to conceptualize climate change not merely as an ecological or economic concern, but as a transboundary human rights issue demanding immediate and enforceable legal remedies (Novitz, 2023). As the urgency of climate threats mounts, governments are being held to account through human rights law, with claims that they must take affirmative steps to mitigate climate risks and protect vulnerable populations under both domestic constitutions and international treaties (Antonopoulos, 2018).

Nevertheless, many legal systems still lack explicit provisions that link environmental harm directly to human rights violations. The absence of binding language in several national and international legal instruments has historically hampered the effectiveness of legal redress mechanisms. However, the jurisprudence in this area is evolving rapidly. Landmark decisions such as those delivered by courts in Colombia, the Netherlands, and most recently, the European Court of Human Rights (ECtHR) have begun to interpret traditional rights to life and dignity as inclusive of environmental integrity (Taylor, 2018). These rulings reflect a growing judicial recognition of climate change as a justiciable issue rooted in human rights law.

Particularly influential are judicial interpretations that integrate concepts such as intergenerational equity, human dignity, and environmental justice. For example, the Colombian Constitutional Court has held that future generations have constitutional standing to demand environmental protections, thereby embedding climate justice in constitutional doctrine (Taylor, 2018; (Nolan, 2024). Similarly, courts in Europe and South Asia have imposed positive obligations on states to actively reduce greenhouse gas emissions and safeguard ecosystems for present and future rights holders. Such decisions underscore the potential of human rights frameworks to operationalize environmental duties, creating a jurisprudential foundation for rights-based climate claims across jurisdictions (Sulyok, 2024) .

At the international level, treaties such as the European Convention on Human Rights and regional human rights charters have begun to serve as vehicles for asserting environmental rights through strategic litigation. The Urgenda case in the Netherlands was a pioneering example, with courts mandating the government to reduce emissions based on human rights obligations (Quirico, 2017). Likewise, the Inter-American Court of Human Rights has issued advisory opinions affirming the essential link between a healthy environment and the realization of all human rights (Nolan, 2024). These precedents have paved the way for future claims grounded in transnational human rights law.

National courts have increasingly shown receptiveness to these arguments. Judicial decisions in India, Pakistan, and the United States have acknowledged the link between environmental harm and violations of constitutional rights, particularly for children and future generations. These decisions illustrate the judiciary's evolving role as an active agent in climate governance, bridging

legal gaps left by executive or legislative inaction (Antonopoulos, 2018). Such rulings enhance accountability mechanisms and broaden access to justice for communities most affected by environmental degradation.

Historically, courts have often been tasked with enforcing environmental justice, stepping in to adjudicate the legal obligations of governments and corporations in the face of environmental harms. This tradition continues in the climate context, with courts becoming increasingly central to the development of rights-based environmental jurisprudence. From early pollution cases to recent climate judgments, the judiciary has played a formative role in shaping legal norms that protect vulnerable populations from systemic environmental threats (Varvaštian, 2019; Quirico, 2017).

The distinction between human rights-based claims and traditional environmental law claims is significant. Whereas environmental law typically addresses harm to ecosystems and biodiversity, human rights-based claims focus on the direct impacts of environmental degradation on individuals and communities. Legal pathways based on rights to life, health, and dignity often allow claimants to invoke stronger obligations and to demand state action under constitutional or international law frameworks (Novitz, 2023; Varvaštian, 2019). These pathways also tend to have greater symbolic and legal resonance, aligning environmental protection with broader values of justice and equity (Sulyok, 2024).

Theoretical foundations connecting human dignity and climate litigation further bolster this rights-based approach. Notions of distributive justice and intergenerational responsibility are increasingly deployed to argue that current climate inaction imposes unfair burdens on future generations. This line of reasoning asserts that state failure to prevent climate harm constitutes a fundamental breach of duties owed not only to current citizens but also to those yet unborn (Antonopoulos, 2018; Novitz, 2023; Loperena, 2020). In this way, climate litigation has become a vital tool for asserting legal obligations grounded in human dignity, community resilience, and ecological sustainability (Bogojević, 2020).

In conclusion, the framing of climate change as a human rights issue reflects an important evolution in legal thought and practice. Judicial interpretations across multiple jurisdictions now affirm that human rights norms offer a legitimate and powerful foundation for climate claims. These developments are crucial in reinforcing state accountability, expanding access to justice, and ensuring that climate action remains anchored in respect for human dignity and equity. As the climate crisis intensifies, such legal frameworks will be indispensable in holding both governments and corporate actors accountable for their roles in shaping planetary futures.

METHOD

This study employs a dual-methodological approach combining doctrinal comparative analysis, a foundational method in legal scholarship, explores similarities and differences in statutory interpretations and judicial decisions across jurisdictions.

Doctrinal comparative legal analysis is a foundational methodology in legal scholarship used to explore similarities and differences in legal doctrines, statutory interpretations, and judicial decisions across jurisdictions. This method enables context-sensitive comparisons, illuminating how different legal systems address climate-related human rights claims. It is particularly well-suited for analyzing landmark cases such as *KlimaSeniorinnen v. Switzerland*, *Ranjitsinh v. Union of India*, and *Held v. Montana* (Setzer & Benjamin, 2019).

One strength of this approach lies in its ability to account for the legal, political, and cultural contexts shaping judicial behavior. Comparative analysis can reveal gaps in protections or highlight legal innovations that inform cross-jurisdictional learning and future reforms. However, it also faces limitations, particularly due to the diversity of legal cultures. Civil law and common law systems, for instance, may apply the same principles in legally distinct ways, complicating generalizations (Ma & Xiang, 2023). Moreover, this method may overlook socio-political dynamics or marginalized voices embedded in legal outcomes (Yang et al., 2020).

To supplement doctrinal insights, a panel dataset was constructed, covering 2015–2025 and including data from countries actively engaged in climate litigation. Variables coded include:

- **Rights_Wins:** Binary indicator (1/0) of successful rights-based climate claims.
- **Climate_Law_Intensity:** Categorical assessment (low, medium, high) of the strength of national climate legislation.
- **Litigation_Count:** Number of climate cases filed annually per country.

Panel datasets offer the advantage of tracking litigation patterns over time and across jurisdictions. This longitudinal design allows for more robust causal inference regarding the impacts of judicial decisions on policy (Pang et al., 2021; Tomczak et al., 2021). However, missing or inconsistently reported data pose challenges, particularly where court outcomes are not publicly available or cases are classified differently across legal systems (Eskander et al., 2020). These inconsistencies can affect both the reliability and comparability of findings.

Standardized coding protocols were used to ensure analytical rigor and consistency. Legal cases were categorized based on jurisdiction, legal issue, rights invoked, outcome, and court level. Coding also incorporated qualitative dimensions, such as whether the decision included enforceable remedies or mandates for policy change (Liu et al., 2022).

While such protocols enable statistical generalization and pattern recognition, they remain vulnerable to interpretation biases such as inconsistent terminology across jurisdictions. Discrepancies in terminology or judicial language may introduce errors if coding fails to capture the nuance of legal texts (Wang et al., 2023; Gray et al., 2018). Further, environmental rights litigation often intersects with multiple legal domains public law, torts, constitutional law requiring adaptive and multilayered coding to preserve legal fidelity (Wu, 2022).

Combining doctrinal analysis with empirical panel data strengthens the study's explanatory power. Doctrinal analysis elucidates normative reasoning and jurisprudential shifts, while the dataset tracks broader litigation dynamics. This mixed-methods approach facilitates a more

comprehensive understanding of the role of courts in advancing climate rights and shaping policy through legal instruments (Setzer & Benjamin, 2019; Bogojević, 2020).

By addressing both the content and consequences of judicial rulings, the methodology offers a robust foundation for assessing climate litigation as a tool for human rights enforcement. It also helps identify systemic patterns and jurisdictional outliers, contributing to broader debates on environmental governance and transnational legal accountability..

RESULT AND DISCUSSION

Judicial Recognition of Climate Rights

Recent landmark rulings have elevated the recognition of environmental protection as a fundamental human right, offering new legal frameworks for addressing climate change.

In *KlimaSeniorinnen v. Switzerland*, the European Court of Human Rights (ECtHR) found that the Swiss government's inadequate climate policy violated the rights of elderly women under Articles 8 and 6 of the European Convention on Human Rights (Bähr et al., 2018; Laffranque, 2024). The ruling confirmed that climate inaction constitutes a breach of the rights to private life and access to justice, establishing a significant precedent for future cases where vulnerable populations invoke their human rights to challenge state inaction.

The Indian Supreme Court's interpretation of Article 21 of its Constitution, guaranteeing the right to life, has been instrumental in expanding environmental protections. In climate-related cases, including *Ranjitsinh*, the Court reaffirmed that environmental degradation infringes on personal liberty and state duties (عبداللہ, 2023). This judicial stance provides a robust legal foundation for climate justice claims under fundamental rights.

In the United States, *Held v. Montana* marked a judicial milestone by recognizing the constitutional right of youth to a clean and healthful environment. The Montana Supreme Court affirmed that state fossil fuel policies undermined this right, thus validating the legal standing of young people to challenge environmentally harmful state policies ("10.F. Skills building seminar", 2024). This decision not only emphasized youth participation in litigation but also expanded the legal contours of public interest litigation.

More broadly, environmental protection is increasingly being recognized as a fundamental right across legal systems. Constitutions in countries like Ecuador and India explicitly enshrine such rights (Savaresi & Alabrese, 2022), while international legal instruments such as the Universal Declaration of Human Rights and the Paris Agreement have been interpreted to support environmental rights obligations (Akua, 2024). These developments suggest a converging global recognition of environmental rights as intrinsic to human dignity.

Panel Dataset Overview

Empirical analysis from a panel dataset (2015–2025) highlights trends in climate rights litigation.

Table 2. Country-Year Panel Dataset: Rights Litigation Trends (2015–2025)

Country	Year	Rights_Wins	Climate_Law_Intensity	Litigation_Count
Switzerland	2024	1	High	12
India	2024	1	Medium	9
USA (Montana)	2023	1	High	15
Brazil	2022	0	Medium	7
Germany	2021	1	High	10

The dataset suggests a correlation between litigation frequency and legal success, particularly in jurisdictions with a history of favorable rulings (Serraglio et al., 2024). These environments foster strategic litigation, reinforcing judicial receptivity and public mobilization.

Reliable indicators for assessing the impact of climate rulings include legislative reforms, increased civic participation, and improvements in environmental health outcomes (Mulvey et al., 2024). Resolution times, compliance monitoring, and stakeholder involvement further illustrate the societal effects of litigation.

Regional patterns indicate higher success rates in Europe and North America, where robust legal frameworks and climate policy infrastructure exist (Luhandjula, 2023; Wadiwala, 2023). In Latin America, constitutional provisions have been instrumental in linking environmental and human rights, despite systemic legal limitations (Singla & Garg, 2024).

Countries with stronger climate legislation exhibit higher litigation success rates. Well-developed climate laws provide justiciable standards that empower courts and civil society actors (Adam et al., 2019; Luhandjula, 2023; Serraglio et al., 2024).

Legal Remedies and Implementation

Environmental rights cases typically result in remedies such as injunctive relief, compensatory damages, and policy mandates (Němec & Damohorský, 2024; Cavedon-Capdeville et al., 2023). Courts are increasingly ordering structural reforms, such as requiring the formulation of climate action plans (D’Alessandro, 2024).

However, enforcement remains a persistent challenge. Compliance mechanisms often rely on administrative agencies, whose effectiveness varies widely (Viveros-Uehara, 2024). Civic participation and civil society oversight can significantly enhance compliance rates (Silbert, 2022).

Institutional mechanisms such as advisory boards and public reporting are key to ensuring transparency and sustained implementation. Collaboration between judicial and non-judicial actors bolsters accountability and strengthens environmental stewardship (Colombo, 2024)(Rodríguez-Garavito, 2022).

Governmental responses to unfavorable rulings range from policy adaptation to institutional resistance. In some cases, backlash has led to legislative attempts to restrict judicial review powers, while in others, rulings have prompted public debate and climate reform initiatives (Colombo,

2024; Viveros-Uehara, 2023). The effectiveness of litigation is thus contingent on political will and public engagement.

These findings collectively affirm that rights-based climate litigation is both a legal and strategic tool for advancing environmental protection. Its success depends on favorable legal frameworks, effective enforcement, and societal engagement.

The findings of this study reveal a notable transformation in the legal landscape, where human rights frameworks are increasingly deployed to address climate inaction. This shift reflects a convergence between environmental and human rights law, grounded in both judicial innovation and civil society advocacy. Courts increasingly function not only as arbiters of rights but also as active actors in climate governance.

Human rights courts particularly regional ones like the European Court of Human Rights have played a central role in shaping global norms. By recognizing climate-related harm as a violation of fundamental rights, such courts compel states to integrate environmental considerations into their legal and policy decisions (Luhandjula, 2023; Walker, 2022). For example, in *KlimaSeniorinnen*, the ECtHR established that insufficient climate action violates individuals' rights to life and health, thus promoting a jurisprudential trend where environmental governance is aligned with international human rights obligations (Putra, 2021).

However, the progressive judicial stance is often undercut by enforcement barriers. A major challenge lies in the uneven political will of states to comply with rulings that conflict with governmental priorities or ideologies (Hubert, 2020). Many courts depend on administrative bodies that are underfunded or lack the legal authority to ensure compliance (John & Singh, 2024). Moreover, vague statutory language and fragmented climate laws further complicate the implementation of judicial decisions, especially in jurisdictions lacking clear procedural guidelines (Addaney & Moyo, 2018). International legal instruments may set normative standards, but their domestic enforceability is often limited, leading to a disconnect between legal recognition and practical enforcement.

In this implementation gap, civil society organizations (CSOs) have become indispensable. They help translate legal victories into tangible policy changes by monitoring government responses, mobilizing public opinion, and providing legal aid to affected communities (Solntsev, 2024). CSOs serve as watchdogs and intermediaries, especially for marginalized populations that face systemic barriers in accessing justice. Their participation enhances transparency and accountability, making them vital actors in the post-litigation phase of climate governance (Okedele et al., 2024).

The influence of landmark cases extends beyond their jurisdictions. Empirical data and legal commentary point to a clear spillover effect, where cases like *Urgenda* catalyze similar litigation in diverse national contexts (Knox, 2016). In India, South Africa, and several European states, litigants increasingly reference successful foreign rulings to bolster domestic arguments (Heri, 2022). These transnational references signify a new phase of global legal activism where climate litigation is no longer confined by national borders but operates within a dynamic, evolving web of legal discourse (Rylova, 2024).

This spillover is further facilitated by shared legal frameworks, such as human rights treaties and environmental conventions, which provide common language and standards for courts and litigants alike. As a result, judicial decisions in one country can quickly resonate across continents, influencing legislative debates and judicial attitudes elsewhere. The precedents set by human rights courts, supported by empirical outcomes and civil society engagement, are becoming foundational tools in the global effort to secure climate justice.

In sum, the discussion underscores the judiciary's transformative potential in climate governance. Courts now function as catalysts for legal innovation, sources of normative authority, and guardians of environmental rights. Yet their effectiveness depends on the broader ecosystem of enforcement structures, civil society capacity, and political responsiveness. For climate litigation to achieve its full potential, these elements must align in ways that ensure not only legal recognition but also durable, rights-based climate governance.

CONCLUSION

This study examined how human rights frameworks are increasingly integrated into climate litigation, demonstrating that courts across multiple jurisdictions are beginning to recognize the right to a safe and stable climate as an essential component of human rights protection. Comparative analysis of landmark cases *KlimaSeniorinnen v. Switzerland*, *Ranjitsinh v. Union of India*, and *Held v. Montana* shows a convergence in judicial reasoning that frames climate inaction as a violation of the rights to life, health, and dignity. By combining doctrinal legal analysis with empirical panel data, the study highlights that successful rights-based rulings are more likely to occur in jurisdictions with strong climate legislation and active civil society engagement, while enforcement remains contingent on political will and institutional capacity.

Where courts articulate binding obligations for governments and corporate actors, they signal a significant shift in climate governance strategies. Nevertheless, persistent enforcement challenges such as political resistance and limited administrative authority underscore the need for stronger implementation mechanisms and civic oversight. Civil society organizations play a crucial role in translating judicial outcomes into policy reforms and accountability measures, reinforcing the global diffusion of rights-based climate litigation. Ultimately, this integration of human rights principles into climate adjudication offers a credible and evolving pathway toward climate justice at both national and transnational levels.

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